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**SUBSTITUTE SENATE BILL 6453**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State)

READ FIRST TIME 02/04/04.

1       AN ACT Relating to a qualifying primary; amending RCW 29A.04.085,  
2 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150,  
3 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080,  
4 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160,  
5 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060,  
6 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200,  
7 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020,  
8 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080,  
9 29A.68.010, 29A.84.260, 29A.84.310, 29A.84.710, and 42.17.020;  
10 reenacting and amending RCW 29A.32.120; adding new sections to chapter  
11 29A.52 RCW; adding a new section to chapter 29A.04 RCW; adding a new  
12 section to chapter 29A.24 RCW; adding a new section to chapter 29A.28  
13 RCW; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200,  
14 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130,  
15 and 29A.04.903; and declaring an emergency.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

17       NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.52 RCW  
18 to read as follows:

19       (1) This act may be known and cited as the Qualifying Primary Act.

1 (2) The purpose of any primary held in this state is to qualify  
2 candidates to appear on the general election ballot. Primary elections  
3 do not function as a procedure to determine the nominees of political  
4 parties. The sole purpose of allowing candidates to identify a  
5 political party preference is to provide to voters a brief description  
6 of each candidate's political philosophy, which the voters may consider  
7 when casting their votes at a primary or general election. In a  
8 primary election, each voter, regardless of party affiliation, may vote  
9 for any candidate listed on the ballot, and the two candidates who  
10 receive the most votes, also known as the top two vote getters, and who  
11 receive at least one percent of the total votes cast for that office,  
12 advance to the general election. Primary election voters are not  
13 choosing a party's nominee. A qualifying primary ensures more choice,  
14 greater participation, increased privacy, and a sense of fairness for  
15 the voters.

16 (3) The provisions of this title relating to primaries must be  
17 liberally construed to further the following interests:

18 (a) The legislature finds that the process of determining which  
19 candidates will appear on the general election ballot or be elected to  
20 office is a public process, in which all voters must be permitted to  
21 participate. The legislature further finds that it is not in the  
22 public interest to expend public funds on an election procedure that  
23 limits the rights of voters by restricting their ability to participate  
24 based on the party affiliation, if any, of the voters or the  
25 candidates, or that requires voters to publicly declare an affiliation  
26 with a political party;

27 (b) All qualified registered voters of the state of Washington  
28 should be permitted to participate in all meaningful stages of the  
29 process for qualifying candidates to appear on the general election  
30 ballot by voting for the candidates of their choice in the districts  
31 and jurisdictions where they are eligible to vote; and

32 (c) No registered voter of the state of Washington should be  
33 required to divulge to any public or private entity his or her party  
34 affiliation, if any, as a prerequisite to voting.

35 **Sec. 2.** RCW 29A.04.085 and 2003 c 111 s 115 are each amended to  
36 read as follows:

37 "Major political party" means a political party (~~of which at least~~

1 ~~one nominee for president, vice president, United States senator, or a~~  
2 ~~statewide office received at least five percent of the total vote cast~~  
3 ~~at the last preceding state general election in an even numbered year.~~  
4 ~~A political party qualifying as a major political party under this~~  
5 ~~section retains such status until the next even year election at which~~  
6 ~~a candidate of that party does not achieve at least five percent of the~~  
7 ~~vote for one of the previously specified offices. If none of these~~  
8 ~~offices appear on the ballot in an even year general election, the~~  
9 ~~major party retains its status as a major party through that election))~~  
10 identified as the party best approximating his or her political  
11 philosophy by at least one candidate for an office voted upon statewide  
12 who also received at least five percent of the total votes cast for  
13 that office at the last primary or general election in a year in which  
14 the governor is elected.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04 RCW  
16 to read as follows:

17 "Partisan office" means an office for which a candidate may  
18 identify a political philosophy under RCW 29A.24.030(3) or section 15  
19 of this act, and is limited to the following offices:

20 (1) United States senator and representative;

21 (2) All state offices except (a) judicial offices and (b) the  
22 office of superintendent of public instruction;

23 (3) All county offices except (a) judicial offices and (b) those  
24 offices where a county home rule charter provides otherwise.

25 **Sec. 4.** RCW 29A.04.127 and 2003 c 111 s 122 are each amended to  
26 read as follows:

27 "Primary" (~~or "primary election"~~) means a statutory qualifying  
28 procedure ((for nominating candidates to public office at the polls))  
29 in which each registered voter eligible to vote in the district or  
30 jurisdiction is permitted to cast a vote for his or her preferred  
31 candidate for each office appearing on the ballot, without any  
32 limitation based on party preference or affiliation on the part of the  
33 voter or the candidate, with the result that not more than two  
34 candidates for each office qualify to appear on the general election  
35 ballot.

1       **Sec. 5.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to  
2 read as follows:

3       (~~Nominating~~) Qualifying primaries for general elections to be  
4 held in November must be held on the third Tuesday of the preceding  
5 September or on the seventh Tuesday immediately preceding such general  
6 election, whichever occurs first.

7       **Sec. 6.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to  
8 read as follows:

9       (1) A person filing a declaration of candidacy for an office shall,  
10 at the time of filing, be a registered voter and possess the  
11 qualifications specified by law for persons who may be elected to the  
12 office.

13       (2) Excluding the office of precinct committee officer or a  
14 temporary elected position such as a charter review board member or  
15 freeholder, no person may file for more than one office.

16       (3) The name of a candidate for an office shall not appear on a  
17 ballot for that office unless, except as provided in RCW 3.46.067 and  
18 3.50.057, the candidate is, at the time the candidate's declaration of  
19 candidacy is filed, properly registered to vote in the geographic area  
20 represented by the office. For the purposes of this section, each  
21 geographic area in which registered voters may cast ballots for an  
22 office is represented by that office. If a person elected to an office  
23 must be (~~nominated~~) elected from a district or similar division of  
24 the geographic area represented by the office, the name of a candidate  
25 for the office shall not appear on a primary ballot for that office  
26 unless the candidate is, at the time the candidate's declaration of  
27 candidacy is filed, properly registered to vote in that district or  
28 division. The officer with whom declarations of candidacy must be  
29 filed under this title shall review each such declaration filed  
30 regarding compliance with this subsection.

31       (4) (~~This section does not apply to the office of a member of the~~  
32 ~~United States Congress.~~) The requirements of voter registration and  
33 residence within the geographic area of a district do not apply to  
34 candidates for congressional office. Qualifications for United States  
35 Congress are specified in the United States Constitution.

1       **Sec. 7.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to  
2 read as follows:

3       ~~((1) Any nomination of a candidate for partisan public office by  
4 other than a major political party may be made only: (a) In a  
5 convention held not earlier than the last Saturday in June and not  
6 later than the first Saturday in July or during any of the seven days  
7 immediately preceding the first day for filing declarations of  
8 candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided  
9 by RCW 29A.60.020; or (c) as otherwise provided in this section.~~

10       ~~(2)) Nominations of candidates for president and vice president of  
11 the United States other than by a major political party ((may)) must be  
12 made ((either at a convention conducted under subsection (1) of this  
13 section, or)) at a ((similar)) convention ((taking place)) to be held  
14 not earlier than the first Sunday in July and not later than seventy  
15 days before the general election. ((Conventions held during this time  
16 period may not nominate candidates for any public office other than  
17 president and vice president of the United States, except as provided  
18 in subsection (3) of this section.~~

19       ~~(3) If a special filing period for a partisan office is opened  
20 under RCW 29A.24.210, candidates of minor political parties and  
21 independent candidates may file for office during that special filing  
22 period. The names of those candidates may not appear on the ballot  
23 unless they are nominated by convention held no later than five days  
24 after the close of the special filing period and a certificate of  
25 nomination is filed with the filing officer no later than three days  
26 after the convention. The requirements of RCW 29A.20.130 do not apply  
27 to such a convention. If primary ballots or a voters' pamphlet are  
28 ordered to be printed before the deadline for submitting the  
29 certificate of nomination and the certificate has not been filed, then  
30 the candidate's name will be included but may not appear on the general  
31 election ballot unless the certificate is timely filed and the  
32 candidate otherwise qualifies to appear on that ballot.~~

33       ~~(4) A minor political party may hold more than one convention but  
34 in no case shall any such party nominate more than one candidate for  
35 any one partisan public office or position. For the purpose of  
36 nominating candidates for the offices of president and vice president,  
37 United States senator, or a statewide office, a minor party or  
38 independent candidate holding multiple conventions may add together the~~

1 ~~number of signatures of different individuals from each convention~~  
2 ~~obtained in support of the candidate or candidates in order to obtain~~  
3 ~~the number required by RCW 29A.20.140. For all other offices for which~~  
4 ~~nominations are made, signatures of the requisite number of registered~~  
5 ~~voters must be obtained at a single convention.))~~

6 **Sec. 8.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to  
7 read as follows:

8 ~~((1) To be valid, a convention must be attended by at least~~  
9 ~~twenty five registered voters.~~

10 (2)) In order to nominate candidates for the offices of president  
11 and vice president of the United States, ~~((United States senator, or~~  
12 ~~any statewide office,))~~ a nominating convention shall obtain and submit  
13 to the filing officer the signatures of at least two hundred registered  
14 voters of the state of Washington. ~~((In order to nominate candidates~~  
15 ~~for any other office, a nominating convention shall obtain and submit~~  
16 ~~to the filing officer the signatures of twenty five persons who are~~  
17 ~~registered to vote in the jurisdiction of the office for which the~~  
18 ~~nominations are made.))~~

19 **Sec. 9.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to  
20 read as follows:

21 A nominating petition submitted under this chapter shall clearly  
22 identify the name of the minor party or independent candidate  
23 ~~((convention as it appears on the certificate of nomination as required~~  
24 ~~by RCW 29A.20.160(3))).~~ The petition shall also contain a statement  
25 that the person signing the petition is a registered voter of the state  
26 of Washington and shall have a space for the voter to sign his or her  
27 name and to print his or her name and address. ~~((No person may sign~~  
28 ~~more than one nominating petition under this chapter for an office for~~  
29 ~~a primary or election.))~~ The nominating petition must be submitted to  
30 the secretary of state not later than ten days after adjournment of the  
31 convention.

32 **Sec. 10.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to  
33 read as follows:

34 A certificate evidencing nominations of candidates for the offices  
35 of president and vice president made at a convention must:

- 1 (1) Be in writing;
- 2 (2) Contain the name of each person nominated(~~(, his or her~~  
3 ~~residence, and the office for which he or she is named, and if the~~  
4 ~~nomination is~~)) for the offices of president and vice president of the  
5 United States, their addresses, and a sworn statement from both  
6 nominees giving their consent to the nomination;
- 7 (3) Identify the minor political party or the independent candidate  
8 on whose behalf the convention was held;
- 9 (4) Be verified by the oath of the presiding officer and secretary;
- 10 (5) Be accompanied by a nominating petition or petitions bearing  
11 the signatures and addresses of registered voters equal in number to  
12 that required by RCW 29A.20.140;
- 13 (6) Contain proof of publication of the notice of calling the  
14 convention; and
- 15 (7) Be submitted to the (~~appropriate filing officer~~) secretary of  
16 state not later than one week following the adjournment of the  
17 convention at which the nominations were made. (~~If the nominations~~  
18 ~~are made only for offices whose jurisdiction is entirely within one~~  
19 ~~county, the certificate and nominating petitions must be filed with the~~  
20 ~~county auditor. If a minor party or independent candidate convention~~  
21 ~~nominates any candidates for offices whose jurisdiction encompasses~~  
22 ~~more than one county, all nominating petitions and the convention~~  
23 ~~certificates must be filed with the secretary of state.~~)

24 **Sec. 11.** RCW 29A.20.170 and 2003 c 111 s 511 are each amended to  
25 read as follows:

- 26 (1) If two or more valid certificates of nomination are filed  
27 purporting to nominate different candidates for (~~the same position~~)  
28 president and vice president using the same party name, the filing  
29 officer must give effect to both certificates. If conflicting claims  
30 to the party name are not resolved either by mutual agreement or by a  
31 judicial determination of the right to the name, the candidates must be  
32 treated as independent candidates. Disputes over the right to the name  
33 must not be permitted to delay the printing of either ballots or a  
34 voters' pamphlet. (~~Other candidates nominated by the same conventions~~  
35 ~~may continue to use the partisan affiliation unless a court of~~  
36 ~~competent jurisdiction directs otherwise.~~)

1           (2) A person affected may petition the superior court of ~~((the))~~  
2 Thurston county ~~((in which the filing officer is located))~~ for a  
3 judicial determination of the right to the name of a minor political  
4 party, either before or after documents are filed with the ~~((filing~~  
5 ~~officer))~~ secretary of state. The court shall resolve the conflict  
6 between competing claims to the use of the same party name according to  
7 the following principles: (a) The prior established public use of the  
8 name during previous elections by a party composed of or led by the  
9 same individuals or individuals in documented succession; (b) prior  
10 established public use of the name earlier in the same election cycle;  
11 (c) ~~((the nomination of a more complete slate of candidates for a~~  
12 ~~number of offices or in a number of different regions of the state;~~  
13 ~~(d))~~ documented affiliation with a national or statewide party  
14 organization with an established use of the name; ~~((e))~~ (d) the first  
15 date of filing of a certificate of nomination; and ~~((f))~~ (e) such  
16 other indicia of an established right to use of the name as the court  
17 may deem relevant. ~~((If more than one filing officer is involved, and~~  
18 ~~one of them is the secretary of state, the petition must be filed in~~  
19 ~~the superior court for Thurston county.))~~ Upon resolving the conflict  
20 between competing claims, the court may also address any ballot  
21 designation for the candidate who does not prevail.

22           **Sec. 12.** RCW 29A.20.180 and 2003 c 111 s 512 are each amended to  
23 read as follows:

24           A minor political party or independent candidate convention  
25 nominating candidates for the offices of president and vice president  
26 of the United States shall, not later than ten days after the  
27 adjournment of the convention, submit a list of presidential electors  
28 to the office of the secretary of state. The list shall contain the  
29 names and the mailing addresses of the persons selected and shall be  
30 verified by the ~~((presiding officer of the convention))~~ candidates  
31 named on the nominating petition.

32           **Sec. 13.** RCW 29A.20.190 and 2003 c 111 s 513 are each amended to  
33 read as follows:

34           Upon the receipt of the ~~((certificate of nomination))~~ nominating  
35 petition, the ~~((officer with whom it is filed shall check the~~  
36 ~~certificate and))~~ secretary of state shall canvass the signatures ~~((on~~

1 ~~the accompanying nominating petitions to determine if the requirements~~  
2 ~~of RCW 29A.20.140 have been met)).~~ Once the determination of the  
3 sufficiency of the petitions has been made, the filing officer shall  
4 notify the (~~presiding officer of the convention~~) candidates and any  
5 other persons requesting the notification(~~, of his or her decision~~  
6 ~~regarding the sufficiency of the certificate or the nominating~~  
7 ~~petitions)).~~ Any appeal regarding the filing officer's determination  
8 must be filed with the superior court of (~~the~~) Thurston county (~~in~~  
9 ~~which the certificate or petitions were filed~~) not later than five  
10 days from the date the determination is made, and shall be heard and  
11 finally disposed of by the court within five days of the filing.  
12 Nominating petitions shall not be available for public inspection or  
13 copying.

14 **Sec. 14.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to  
15 read as follows:

16 A candidate who desires to have his or her name printed on the  
17 ballot for election to an office other than president of the United  
18 States, vice president of the United States, or an office for which  
19 ownership of property is a prerequisite to voting shall complete and  
20 file a declaration of candidacy. The secretary of state shall adopt,  
21 by rule, a declaration of candidacy form for the office of precinct  
22 committee officer and a separate standard form for candidates for all  
23 other offices filing under this chapter. Included on the standard form  
24 shall be:

25 (1) A place for the candidate to declare that he or she is a  
26 registered voter within the jurisdiction of the office for which he or  
27 she is filing, and the address at which he or she is registered;

28 (2) A place for the candidate to indicate the position for which he  
29 or she is filing;

30 (3) For those offices defined in section 3 of this act only, a  
31 place for the candidate to (~~indicate a party designation, if~~  
32 applicable)) identify a major or minor political party, if any, the  
33 candidate regards as best approximating his or her own political  
34 philosophy. No candidate may list more than one political party.  
35 Nothing in this indication of political philosophy may be construed as  
36 denoting an endorsement or nomination by that party. The sole purpose  
37 of allowing candidates to identify a political party preference is to

1 provide to voters a brief description of each candidate's political  
2 philosophy, which the voters may consider when casting their votes at  
3 a primary or general election. If a court of competent jurisdiction  
4 holds that a political party has a right to control the use of the name  
5 in a manner inconsistent with this subsection, this subsection is  
6 inoperative and section 15 of this act applies;

7 (4) A place for the candidate to indicate the amount of the filing  
8 fee accompanying the declaration of candidacy or for the candidate to  
9 indicate that he or she is filing a (~~nominating~~) petition in lieu of  
10 the filing fee under RCW 29A.24.090;

11 (5) A place for the candidate to sign the declaration of candidacy,  
12 stating that the information provided on the form is true and swearing  
13 or affirming that he or she will support the Constitution and laws of  
14 the United States and the Constitution and laws of the state of  
15 Washington.

16 In the case of a declaration of candidacy filed electronically,  
17 submission of the form constitutes agreement that the information  
18 provided with the filing is true, that he or she will support the  
19 Constitutions and laws of the United States and the state of  
20 Washington, and that he or she agrees to electronic payment of the  
21 filing fee established in RCW 29A.24.090.

22 The secretary of state may require any other information on the  
23 form he or she deems appropriate to facilitate the filing process.

24 NEW SECTION. Sec. 15. A new section is added to chapter 29A.24  
25 RCW to read as follows:

26 If, as provided in RCW 29A.24.030(3), a court of competent  
27 jurisdiction holds that a political party has the right to control the  
28 use of its name in a manner inconsistent with the provisions of that  
29 subsection, then the following process applies:

30 For those offices defined in section 3 of this act, a place for the  
31 candidate to submit a description of up to three words that the  
32 candidate regards as best approximating his or her own political  
33 philosophy. The sole purpose of allowing a candidate to submit a  
34 three-word description is to provide to voters information about each  
35 candidate's political philosophy, which the voters may consider when  
36 casting their votes at a primary or general election. The secretary of

1 state shall adopt rules as necessary for the implementation of this  
2 section.

3 **Sec. 16.** RCW 29A.24.080 and 2003 c 111 s 608 are each amended to  
4 read as follows:

5 Any candidate may mail his or her declaration of candidacy for an  
6 office to the filing officer. Such declarations of candidacy shall be  
7 processed by the filing officer in the following manner:

8 (1) Any declaration received by the filing officer by mail before  
9 the tenth business day immediately preceding the first day for  
10 candidates to file for office shall be returned to the candidate  
11 submitting it, together with a notification that the declaration of  
12 candidacy was received too early to be processed. The candidate shall  
13 then be permitted to resubmit his or her declaration of candidacy  
14 during the filing period.

15 (2) Any properly executed declaration of candidacy received by mail  
16 on or after the tenth business day immediately preceding the first day  
17 for candidates to file for office and before the close of business on  
18 the last day of the filing period shall be included with filings made  
19 in person during the filing period. In primaries for partisan office  
20 and judicial (~~elections~~) offices the filing officer shall determine  
21 by lot the order in which the names of those candidates shall appear  
22 upon sample and absentee primary ballots.

23 (3) Any declaration of candidacy received by the filing officer  
24 after the close of business on the last day for candidates to file for  
25 office shall be rejected and returned to the candidate attempting to  
26 file it.

27 **Sec. 17.** RCW 29A.24.090 and 2003 c 111 s 609 are each amended to  
28 read as follows:

29 A filing fee of one dollar shall accompany each declaration of  
30 candidacy for precinct committee officer; a filing fee of ten dollars  
31 shall accompany the declaration of candidacy for any office with a  
32 fixed annual salary of one thousand dollars or less; a filing fee equal  
33 to one percent of the annual salary of the office at the time of filing  
34 shall accompany the declaration of candidacy for any office with a  
35 fixed annual salary of more than one thousand dollars per annum. No

1 filing fee need accompany a declaration of candidacy for any office for  
2 which compensation is on a per diem or per meeting attended basis.

3 A candidate who lacks sufficient assets or income at the time of  
4 filing to pay the filing fee required by this section shall submit with  
5 his or her declaration of candidacy a (~~nominating~~) filing petition.  
6 The petition shall contain not less than a number of signatures of  
7 registered voters equal to the number of dollars of the filing fee.  
8 The signatures shall be of voters registered to vote within the  
9 jurisdiction of the office for which the candidate is filing.

10 When the candidacy is for:

11 (1) A legislative or judicial office that includes territory from  
12 more than one county, the fee shall be paid to the secretary of state  
13 for equal division between the treasuries of the counties comprising  
14 the district.

15 (2) A city or town office, the fee shall be paid to the county  
16 auditor who shall transmit it to the city or town clerk for deposit in  
17 the city or town treasury.

18 **Sec. 18.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to  
19 read as follows:

20 The (~~nominating~~) filing petition authorized by RCW 29A.24.090  
21 shall be printed on sheets of uniform color and size, shall contain no  
22 more than twenty numbered lines, and must be in substantially the  
23 following form:

24 The warning prescribed by RCW 29A.72.140; followed by:

25 We, the undersigned registered voters of . . .(the state of  
26 Washington or the political subdivision for which the (~~nomination~~)  
27 filing is made). . ., hereby petition that the name of  
28 . . .(candidate's name). . . be printed on the official primary ballot  
29 for the office of . . .(insert name of office). . .

30 If the candidate listed a political party on the declaration of  
31 candidacy, then the name of that party must appear on the filing  
32 petition.

33 The petition must include a place for each individual to sign and  
34 print his or her name, and the address, city, and county at which he or  
35 she is registered to vote.

1           **Sec. 19.** RCW 29A.24.110 and 2003 c 111 s 611 are each amended to  
2 read as follows:

3           (~~Nominating~~) Petitions may be rejected for the following reasons:

- 4           (1) The petition is not in the proper form;  
5           (2) The petition clearly bears insufficient signatures;  
6           (3) The petition is not accompanied by a declaration of candidacy;  
7           (4) The time within which the petition and the declaration of  
8 candidacy could have been filed has expired.

9           If the petition is accepted, the officer with whom it is filed  
10 shall canvass the signatures contained on it and shall reject the  
11 signatures of those persons who are not registered voters and the  
12 signatures of those persons who are not registered to vote within the  
13 jurisdiction of the office for which the (~~nominating~~) petition is  
14 filed. He or she shall additionally reject any signature that appears  
15 on the (~~nominating~~) petitions of two or more candidates for the same  
16 office and shall also reject, each time it appears, the name of any  
17 person who signs the same petition more than once.

18           If the officer with whom the petition is filed refuses to accept  
19 the petition or refuses to certify the petition as bearing sufficient  
20 valid signatures, the person filing the petition may appeal that action  
21 to the superior court. The application for judicial review shall take  
22 precedence over other cases and matters and shall be speedily heard and  
23 determined.

24           **Sec. 20.** RCW 29A.24.140 and 2003 c 111 s 614 are each amended to  
25 read as follows:

26           A void in candidacy for (~~a nonpartisan~~) an office occurs when an  
27 election for such office, except for the short term, has been scheduled  
28 and no valid declaration of candidacy has been filed for the position  
29 or all persons filing such valid declarations of candidacy have died or  
30 been disqualified.

31           **Sec. 21.** RCW 29A.24.150 and 2003 c 111 s 615 are each amended to  
32 read as follows:

33           The election officer with whom declarations of candidacy are filed  
34 shall give notice of a void in candidacy for (~~a nonpartisan~~) an  
35 office(~~(7)~~) by notifying press, radio, and television in the county or

1 counties involved and by such other means as may now or hereafter be  
2 provided by law. The notice shall state the office, and the time and  
3 place for filing declarations of candidacy.

4 **Sec. 22.** RCW 29A.24.160 and 2003 c 111 s 616 are each amended to  
5 read as follows:

6 Filings to fill a void in candidacy for (~~(nonpartisan)~~) an office  
7 must be made in the same manner and with the same official as required  
8 during the regular filing period for such office(~~(, except that~~  
9 ~~nominating signature petitions that may be required of candidates~~  
10 ~~filing for certain district offices during the normal filing period may~~  
11 ~~not be required of candidates filing during the special three day~~  
12 ~~filing period)~~).

13 **Sec. 23.** RCW 29A.24.170 and 2003 c 111 s 617 are each amended to  
14 read as follows:

15 Filings for (~~(a nonpartisan)~~) an office shall be reopened for a  
16 period of three normal business days, such three day period to be fixed  
17 by the election officer with whom such declarations of candidacy are  
18 filed and notice thereof given by notifying press, radio, and  
19 television in the county or counties and by such other means as may now  
20 or hereafter be provided by law whenever before the sixth Tuesday prior  
21 to a primary:

22 (1) A void in candidacy occurs;

23 (2) A vacancy occurs in (~~(any nonpartisan)~~) an office leaving an  
24 unexpired term to be filled by an election for which filings have not  
25 been held; or

26 (3) A (~~(nominee)~~) candidate for judge of the superior court  
27 entitled to a certificate of election pursuant to Article 4, section  
28 29, Amendment 41 of the state Constitution, dies or is disqualified.

29 Candidacies validly filed within said three-day period shall appear  
30 on the ballot as if made during the earlier filing period.

31 **Sec. 24.** RCW 29A.24.180 and 2003 c 111 s 618 are each amended to  
32 read as follows:

33 Filings for a nonpartisan office (other than judge of the supreme  
34 court or superintendent of public instruction) shall be reopened for a  
35 period of three normal business days, such three day period to be fixed

1 by the election officer with whom such declarations of candidacy are  
2 filed and notice thereof given by notifying press, radio, and  
3 television in the county and by such other means as may now or  
4 hereafter be provided by law, when:

5 (1) A void in candidacy for such nonpartisan office occurs on or  
6 after the sixth Tuesday prior to a primary but prior to the sixth  
7 Tuesday before an election; or

8 (2) A ((~~nominee~~)) candidate for judge of the superior court  
9 eligible after a contested primary for a certificate of election by  
10 Article 4, section 29, Amendment 41 of the state Constitution, dies or  
11 is disqualified within the ten day period immediately following the  
12 last day allotted for a candidate to withdraw; or

13 (3) A vacancy occurs in any nonpartisan office on or after the  
14 sixth Tuesday prior to a primary but prior to the sixth Tuesday before  
15 an election leaving an unexpired term to be filled by an election for  
16 which filings have not been held.

17 The candidate receiving a plurality of the votes cast for that  
18 office in the general election shall be deemed elected.

19 **Sec. 25.** RCW 29A.24.190 and 2003 c 111 s 619 are each amended to  
20 read as follows:

21 A scheduled election ((~~shall be lapsed~~)) lapses, the office is  
22 deemed stricken from the ballot, no purported write-in votes may be  
23 counted, and no candidate may be certified as elected, when:

24 (1) In an election for judge of the supreme court ((~~or~~)),  
25 superintendent of public instruction, or a partisan office, a void in  
26 candidacy occurs on or after the sixth Tuesday prior to a primary,  
27 public filings and the primary being an indispensable phase of the  
28 election process for such offices;

29 (2) Except as otherwise specified in RCW 29A.24.180, a ((~~nominee~~))  
30 candidate for judge of the superior court entitled to a certificate of  
31 election pursuant to Article 4, section 29, Amendment 41 of the state  
32 Constitution dies or is disqualified on or after the sixth Tuesday  
33 prior to a primary;

34 (3) In other elections for nonpartisan office a void in candidacy  
35 occurs or a vacancy occurs involving an unexpired term to be filled on  
36 or after the sixth Tuesday prior to an election.

1       **Sec. 26.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to  
2 read as follows:

3       Any person who desires to be a write-in candidate and have such  
4 votes counted at a primary or election may file a declaration of  
5 candidacy with the officer designated in RCW 29A.24.070 not later than  
6 the day before the primary or election. Declarations of candidacy for  
7 write-in candidates must be accompanied by a filing fee in the same  
8 manner as required of other candidates filing for the office as  
9 provided in RCW 29A.24.090.

10       Votes cast for write-in candidates who have filed such declarations  
11 of candidacy (~~(and write-in votes for persons appointed by political~~  
12 ~~parties pursuant to RCW 29A.28.020))~~ need only specify the name of the  
13 candidate in the appropriate location on the ballot in order to be  
14 counted. Write-in votes cast for any other candidate, in order to be  
15 counted, must designate the office sought and position number (~~(or~~  
16 ~~political party)~~), if the manner in which the write-in is done does not  
17 make the office or position clear. In order for write-in votes to be  
18 valid in jurisdictions employing optical-scan mark sense ballot systems  
19 the voter must complete the proper mark next to the write-in line for  
20 that office.

21       No person may file as a write-in candidate where:

22       (1) At a general election, the person attempting to file either  
23 filed as a write-in candidate for the same office at the preceding  
24 primary or the person's name appeared on the ballot for the same office  
25 at the preceding primary;

26       (2) The person attempting to file as a write-in candidate has  
27 already filed a valid write-in declaration for that primary or  
28 election, unless one or the other of the two filings is for the office  
29 of precinct committeeperson;

30       (3) The name of the person attempting to file already appears on  
31 the ballot as a candidate for another office, unless one of the two  
32 offices for which he or she is a candidate is precinct committeeperson.

33       The declaration of candidacy shall be similar to that required by  
34 RCW 29A.24.030. No write-in candidate filing under this section may be  
35 included in any voter's pamphlet produced under chapter 29A.32 RCW  
36 unless that candidate qualifies to have his or her name printed on the  
37 general election ballot. The legislative authority of any jurisdiction

1 producing a local voter's pamphlet under chapter 29A.32 RCW may  
2 provide, by ordinance, for the inclusion of write-in candidates in such  
3 pamphlets.

4 NEW SECTION. **Sec. 27.** A new section is added to chapter 29A.28  
5 RCW to read as follows:

6 If the death or disqualification of a candidate for a partisan or  
7 nonpartisan office does not give rise to the opening of a new filing  
8 period under RCW 29A.24.170, then the following will occur:

9 (1) If the candidate dies or becomes disqualified after filing a  
10 declaration of candidacy but before the close of the filing period,  
11 then the declaration of candidacy is void and his or her name will not  
12 appear on the ballot;

13 (2) If the candidate dies or becomes disqualified after the close  
14 of the filing period but before the day of the primary, then his or her  
15 name will appear on the primary ballot and all otherwise valid votes  
16 for that candidate will be tabulated. The candidate's name will not  
17 appear on the general election ballot even if he or she otherwise would  
18 have qualified to do so, but no other candidate will advance, or be  
19 substituted, in the place of that candidate. If the candidate was the  
20 only candidate to qualify to advance to the general election, then the  
21 general election for that office lapses, and the office will be  
22 regarded as vacant as of the time the newly elected official would have  
23 otherwise taken office;

24 (3) If the candidate dies or becomes disqualified on or after the  
25 day of the primary, and he or she would have otherwise qualified to  
26 appear on the general election ballot, then his or her name will appear  
27 on the general election ballot and all otherwise valid votes for that  
28 candidate will be tabulated. If the candidate received a number of  
29 votes sufficient to be elected to office, but for his or her death or  
30 disqualification, then the office will be regarded as vacant as of the  
31 time the newly elected official would have otherwise taken office.

32 **Sec. 28.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to  
33 read as follows:

34 (1) Whenever a vacancy occurs in the United States house of  
35 representatives or the United States senate from this state, the  
36 governor shall order a special election to fill the vacancy.

1           (2) Within ten days of such vacancy occurring, he or she shall  
2 issue a writ of election fixing a date for the special vacancy election  
3 not less than ninety days after the issuance of the writ, fixing a date  
4 for the primary for ~~((nominating))~~ qualifying candidates for the  
5 special vacancy election not less than thirty days before the day fixed  
6 for holding the special vacancy election, fixing the dates for the  
7 special filing period, and designating the term or part of the term for  
8 which the vacancy exists. If the vacancy is in the office of United  
9 States representative, the writ of election shall specify the  
10 congressional district that is vacant.

11           (3) If the vacancy occurs less than six months before a state  
12 general election and before the second Friday following the close of  
13 the filing period for that general election, the special primary and  
14 special vacancy elections shall be held in concert with the state  
15 primary and state general election in that year.

16           (4) If the vacancy occurs on or after the first day for filing  
17 under RCW 29A.24.050 and on or before the second Friday following the  
18 close of the filing period, a special filing period of three normal  
19 business days shall be fixed by the governor and notice thereof given  
20 to all media, including press, radio, and television within the area in  
21 which the vacancy election is to be held, to the end that, insofar as  
22 possible, all interested persons will be aware of such filing period.  
23 The last day of the filing period shall not be later than the third  
24 Tuesday before the primary ~~((at which candidates are to be nominated))~~.  
25 The names of candidates who have filed valid declarations of candidacy  
26 during this three-day period shall appear on the approaching primary  
27 ballot.

28           (5) If the vacancy occurs later than the second Friday following  
29 the close of the filing period, a special primary and special vacancy  
30 election to fill the position shall be held after the next state  
31 general election but, in any event, no later than the ninetieth day  
32 following the November election.

33           **Sec. 29.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to  
34 read as follows:

35           The general election laws and laws relating to ~~((partisan))~~  
36 primaries ~~((shall))~~ for partisan offices apply to the special primaries  
37 and vacancy elections provided for in RCW 29A.28.040 through 29A.28.050

1 to the extent that they are not inconsistent with the provisions of  
2 these sections. Statutory time deadlines relating to availability of  
3 absentee ballots, certification, canvassing, and related procedures  
4 that cannot be met in a timely fashion may be modified for the purposes  
5 of a specific primary or vacancy election under this chapter by the  
6 secretary of state through emergency rules adopted under RCW  
7 29A.04.610.

8 **Sec. 30.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to  
9 read as follows:

10 The voters' pamphlet must contain:

11 (1) Information about each ballot measure initiated by or referred  
12 to the voters for their approval or rejection as required by RCW  
13 29A.32.070;

14 (2) In even-numbered years, statements, if submitted, advocating  
15 the candidacies of (~~nominees~~) candidates qualified to appear on the  
16 ballot for the office of president and vice president of the United  
17 States, United States senator, United States representative, governor,  
18 lieutenant governor, secretary of state, state treasurer, state  
19 auditor, attorney general, commissioner of public lands, superintendent  
20 of public instruction, insurance commissioner, state senator, state  
21 representative, justice of the supreme court, judge of the court of  
22 appeals, or judge of the superior court. Candidates may also submit a  
23 campaign mailing address and telephone number and a photograph not more  
24 than five years old and of a size and quality that the secretary of  
25 state determines to be suitable for reproduction in the voters'  
26 pamphlet;

27 (3) In odd-numbered years, if any office voted upon statewide  
28 appears on the ballot due to a vacancy, then statements and photographs  
29 for candidates for any vacant office listed in subsection (2) of this  
30 section must appear;

31 (4) In even-numbered years, a section explaining how voters may  
32 participate in the election campaign process; the address and telephone  
33 number of the public disclosure commission established under RCW  
34 42.17.350; and a summary of the disclosure requirements that apply when  
35 contributions are made to candidates and political committees;

36 (5) In even-numbered years the name, address, and telephone number  
37 of each political party (~~with nominees listed in the pamphlet, if~~

1 ~~filed with the secretary of state by the state committee of a major~~  
2 ~~political party or the presiding officer of the convention of a minor~~  
3 ~~political party))~~ for which a candidate appearing on the ballot has  
4 expressed a preference on his or her declaration of candidacy, if the  
5 party has provided that information to the secretary of state;

6 (6) In each odd-numbered year immediately before a year in which a  
7 president of the United States is to be nominated and elected,  
8 information explaining the precinct caucus and convention process used  
9 by each major political party to elect delegates to its national  
10 presidential candidate nominating convention. The pamphlet must also  
11 provide a description of the statutory procedures by which minor  
12 political parties are formed and the statutory methods used by the  
13 parties to nominate candidates for president;

14 (7) In even-numbered years, a description of the office of precinct  
15 committee officer and its duties;

16 (8) An application form for an absentee ballot;

17 (9) A brief statement explaining the deletion and addition of  
18 language for proposed measures under RCW 29A.32.080;

19 (10) Any additional information pertaining to elections as may be  
20 required by law or in the judgment of the secretary of state is deemed  
21 informative to the voters.

22 **Sec. 31.** RCW 29A.32.120 and 2003 c 254 s 6 and 2003 c 111 s 812  
23 are each reenacted and amended to read as follows:

24 (1) The maximum number of words for statements submitted by  
25 candidates is as follows: State representative, one hundred words;  
26 state senator, judge of the superior court, judge of the court of  
27 appeals, justice of the supreme court, and all state offices voted upon  
28 throughout the state, except that of governor, two hundred words;  
29 president and vice president, United States senator, United States  
30 representative, and governor, three hundred words.

31 (2) Arguments written by committees under RCW 29A.32.060 may not  
32 exceed two hundred fifty words in length.

33 (3) Rebuttal arguments written by committees may not exceed  
34 seventy-five words in length.

35 (4) The secretary of state shall allocate space in the pamphlet  
36 based on the number of candidates (~~or nominees~~) for each office.

1       **Sec. 32.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to  
2 read as follows:

3       On or before the day following the last day allowed for (~~political~~  
4 ~~parties to fill vacancies in the ticket as provided by RCW 29A.28.010~~)  
5 candidates to withdraw under RCW 29A.24.130, the secretary of state  
6 shall certify to each county auditor a list of the candidates who have  
7 filed declarations of candidacy in his or her office for the primary.  
8 For each office, the certificate shall include the name of each  
9 candidate, his or her address, and his or her party (~~designation~~)  
10 preference, if any.

11       **Sec. 33.** RCW 29A.36.070 and 2003 c 111 s 907 are each amended to  
12 read as follows:

13       (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,  
14 or 82.80.090, the ballot title of any referendum filed on an enactment  
15 or portion of an enactment of a local government and any other question  
16 submitted to the voters of a local government consists of three  
17 elements: (a) An identification of the enacting legislative body and  
18 a statement of the subject matter; (b) a concise description of the  
19 measure; and (c) a question. The ballot title must conform with the  
20 requirements and be displayed substantially as provided under RCW  
21 29A.72.050, except that the concise description must not exceed  
22 seventy-five words. If the local governmental unit is a city or a  
23 town, the concise statement shall be prepared by the city or town  
24 attorney. If the local governmental unit is a county, the concise  
25 statement shall be prepared by the prosecuting attorney of the county.  
26 If the unit is a unit of local government other than a city, town, or  
27 county, the concise statement shall be prepared by the prosecuting  
28 attorney of the county within which the majority area of the unit is  
29 located.

30       (2) A referendum measure on the enactment of a unit of local  
31 government shall be advertised in the manner provided for (~~nominees~~)  
32 candidates for elective office.

33       (3) Subsection (1) of this section does not apply if another  
34 provision of law specifies the ballot title for a specific type of  
35 ballot question or proposition.

1       **Sec. 34.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to  
2 read as follows:

3       Except for the candidates for the positions of president and vice  
4 president or for a partisan or nonpartisan office for which no primary  
5 is required, the names of all candidates who, under this title, filed  
6 a declaration of candidacy(~~(, were certified as a candidate to fill a~~  
7 ~~vacancy on a major party ticket, or were nominated as an independent or~~  
8 ~~minor party candidate)) will appear on the appropriate ballot at the  
9 primary throughout the jurisdiction (~~(in which they are to be~~  
10 ~~nominated)) of the office for which they are a candidate.~~~~

11       **Sec. 35.** RCW 29A.36.170 and 2003 c 111 s 917 are each amended to  
12 read as follows:

13       (1) Except as provided in RCW 29A.36.180 and in subsection (2) of  
14 this section, on the ballot at the general election for (~~(a~~  
15 ~~nonpartisan)) an office for which a primary was held, only the names of  
16 the candidate who received the greatest number of votes and the  
17 candidate who received the next greatest number of votes for that  
18 office shall appear under the title of that office, and the names shall  
19 appear in that order. If a primary was conducted, no candidate's name  
20 may be printed on the subsequent general election ballot unless he or  
21 she receives at least one percent of the total votes cast for that  
22 office at the preceding primary. On the ballot at the general election  
23 for (~~(any other nonpartisan)) an office for which no primary was held,~~  
24 the names of the candidates shall be listed in the order determined  
25 under RCW 29A.36.130.~~

26       (2) On the ballot at the general election for the office of justice  
27 of the supreme court, judge of the court of appeals, judge of the  
28 superior court, or state superintendent of public instruction, if a  
29 candidate in a contested primary receives a majority of all the votes  
30 cast for that office or position, only the name of that candidate may  
31 be printed under the title of the office for that position.

32       **Sec. 36.** RCW 29A.36.200 and 2003 c 111 s 920 are each amended to  
33 read as follows:

34       The names of the persons certified (~~(as nominees))~~ by the secretary  
35 of state or the county canvassing board as having qualified to appear

1 on the general election ballot shall be printed on the ballot at the  
2 ensuing election.

3 No name of any candidate (~~((whose nomination at a primary is  
4 required by law shall))~~) for an office for which a primary is conducted  
5 may be placed upon the ballot at a general or special election unless  
6 it appears upon the certificate of either (1) the secretary of  
7 state(~~(,)~~) or (2) the county canvassing board(~~(, or (3) a minor party  
8 convention or the state or county central committee of a major  
9 political party to fill a vacancy on its ticket under RCW 29A.28.020)~~)).

10 Excluding the office of precinct committee officer or a temporary  
11 elected position such as a charter review board member or freeholder,  
12 a candidate's name shall not appear more than once upon a ballot for a  
13 position regularly (~~((nominated or))~~) elected at the same election.

14 **Sec. 37.** RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to  
15 read as follows:

16 Whenever it shall be necessary to hold a special election in an  
17 odd-numbered year to fill an unexpired term of any office which is  
18 scheduled to be voted upon for a full term in an even-numbered year, no  
19 (~~((September))~~) primary election shall be held in the odd-numbered year  
20 if, after the last day allowed for candidates to withdraw(~~(, either of  
21 the following circumstances exist:~~

22 ~~(1) No more than one candidate of each qualified political party  
23 has filed a declaration of candidacy for the same partisan office to be  
24 filled; or~~

25 ~~(2))~~ no more than two candidates have filed a declaration of  
26 candidacy for a single (~~((nonpartisan))~~) office to be filled.

27 In (~~((either))~~) this event, the officer with whom the declarations of  
28 candidacy were filed shall immediately notify all candidates concerned  
29 and the names of the candidates that would have been printed upon the  
30 (~~((September))~~) primary ballot, but for the provisions of this section,  
31 shall be printed as (~~((nominees))~~) candidates for the positions sought  
32 upon the (~~((November))~~) general election ballot.

33 **Sec. 38.** RCW 29A.52.110 and 2003 c 111 s 1302 are each amended to  
34 read as follows:

35 Candidates for (~~((the following offices shall be nominated at))~~)

1 partisan offices will appear on the ballot at primaries held (~~pursuant~~  
2 ~~to the provisions of~~) under this chapter(~~(+~~  
3 ~~(1) Congressional offices;~~  
4 ~~(2) All state offices except (a) judicial offices and (b) the~~  
5 ~~office of superintendent of public instruction;~~  
6 ~~(3) All county offices except (a) judicial offices and (b) those~~  
7 ~~offices where a county home rule charter provides otherwise)).~~

8 NEW SECTION. Sec. 39. A new section is added to chapter 29A.52  
9 RCW to read as follows:

10 (1) Whenever candidates for partisan office are to be elected, the  
11 general election must be preceded by a primary conducted under this  
12 chapter, except as otherwise provided in law. Based upon votes cast at  
13 the primary, two candidates must be certified as qualified to appear on  
14 the general election ballot, under RCW 29A.52.320 and 29A.36.170.

15 (2) A primary may not be used to select the nominees of a political  
16 party. A primary is a critical stage in the public process by which  
17 voters elect candidates to public office.

18 (3) If a candidate indicates a political philosophy as provided by  
19 RCW 29A.24.030(3) or section 15 of this act on his or her declaration  
20 of candidacy, then the philosophy will be listed for the candidate on  
21 the primary and general election ballots. Each candidate who does not  
22 express a philosophy will be listed as an independent candidate on the  
23 primary and general election ballots. Political philosophy will be  
24 listed for the information of the voters only, and may not be used for  
25 any purpose relating to the conduct, canvassing, or certification of  
26 the primary, and may in no way limit the options available to voters in  
27 deciding for whom to cast a vote.

28 **Sec. 40.** RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to  
29 read as follows:

30 The offices of superintendent of public instruction, justice of the  
31 supreme court, judge of the court of appeals, judge of the superior  
32 court, and judge of the district court shall be nonpartisan and the  
33 candidates therefor shall be (~~nominated~~) qualified and elected as  
34 such.

35 All city, town, and special purpose district elective offices shall

1 be nonpartisan and the candidates therefor shall be (~~nominated~~)  
2 qualified and elected as such.

3 **Sec. 41.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to  
4 read as follows:

5 No later than the day following the certification of the returns of  
6 any primary, the secretary of state shall certify to the appropriate  
7 county auditors, the names of all persons (~~nominated~~) qualified to  
8 appear on the general election ballot as candidates for offices, the  
9 returns of which have been canvassed by the secretary of state.

10 **Sec. 42.** RCW 29A.52.350 and 2003 c 111 s 1313 are each amended to  
11 read as follows:

12 Except as provided in RCW 29A.32.260, notice for any state,  
13 county, district, or municipal election, whether special or general,  
14 must be given by at least one publication not more than ten nor less  
15 than three days before the election by the county auditor or the  
16 officer conducting the election as the case may be, in one or more  
17 newspapers of general circulation within the county. The legal notice  
18 must contain the title of each office under the proper party  
19 (~~designation~~) preference, the names and addresses of all (~~officers~~)  
20 candidates who have been (~~nominated~~) qualified to appear on the  
21 ballot for an office to be voted upon at that election, together with  
22 the ballot titles of all measures, the hours during which the polls  
23 will be open, and the polling places for each precinct, giving the  
24 address of each polling place. The names of all candidates for  
25 nonpartisan offices must be published separately with designation of  
26 the offices for which they are candidates but without party  
27 designation. This is the only notice required for a state, county,  
28 district, or municipal general or special election and supersedes the  
29 provisions of any and all other statutes, whether general or special in  
30 nature, having different requirements for the giving of notice of any  
31 general or special elections.

32 **Sec. 43.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to  
33 read as follows:

34 (1) For any office at any election or primary, any voter may write  
35 in on the ballot the name of any person for an office who has filed as

1 a write-in candidate for the office in the manner provided by RCW  
2 29A.24.310 and such vote shall be counted the same as if the name had  
3 been printed on the ballot and marked by the voter. No write-in vote  
4 made for any person who has not filed a declaration of candidacy  
5 pursuant to RCW 29A.24.310 is valid if that person filed for the same  
6 office, either as a regular candidate or a write-in candidate, at the  
7 preceding primary. Any abbreviation used to designate office,  
8 position, or political party shall be accepted if the canvassing board  
9 can determine, to their satisfaction, the voter's intent.

10 (2) The number of write-in votes cast for each office must be  
11 recorded and reported with the canvass for the election.

12 (3) Write-in votes cast for an individual candidate for an office  
13 need not be tallied if the total number of write-in votes cast for the  
14 office is not greater than the number of votes cast for the candidate  
15 apparently (~~nominated~~) qualified to appear on the general election  
16 ballot or elected, and the write-in votes could not have altered the  
17 outcome of the primary or election. In the case of write-in votes for  
18 statewide office or for any office whose jurisdiction encompasses more  
19 than one county, write-in votes for an individual candidate must be  
20 tallied whenever the county auditor is notified by either the office of  
21 the secretary of state or another auditor in a multicounty jurisdiction  
22 that it appears that the write-in votes could alter the outcome of the  
23 primary or election.

24 (4) In the case of statewide offices or jurisdictions that  
25 encompass more than one county, if the total number of write-in votes  
26 cast for an office within a county is greater than the number of votes  
27 cast for a candidate apparently (~~nominated~~) qualified to appear on  
28 the general election ballot or elected in a primary or election, the  
29 auditor shall tally all write-in votes for individual candidates for  
30 that office and notify the office of the secretary of state and the  
31 auditors of the other counties within the jurisdiction, that the write-  
32 in votes for individual candidates should be tallied.

33 **Sec. 44.** RCW 29A.60.220 and 2003 c 111 s 1522 are each amended to  
34 read as follows:

35 (1) If the requisite number of any federal, state, county, city, or  
36 district offices have not (~~been nominated~~) qualified to appear on the  
37 general election ballot in a primary by reason of two or more persons

1 having an equal and requisite number of votes for being placed on the  
2 general election ballot, the official empowered by state law to certify  
3 candidates for the general election ballot shall give notice to the  
4 several persons so having the equal and requisite number of votes to  
5 attend at the appropriate office at the time designated by that  
6 official, who shall then and there proceed publicly to decide by lot  
7 which of those persons will be declared (~~nominated~~) qualified and  
8 placed on the general election ballot.

9 (2) If the requisite number of any federal, state, county, city,  
10 district, or precinct officers have not been elected by reason of two  
11 or more persons having an equal and highest number of votes for one and  
12 the same office, the official empowered by state law to issue the  
13 original certificate of election shall give notice to the several  
14 persons so having the highest and equal number of votes to attend at  
15 the appropriate office at the time to be appointed by that official,  
16 who shall then and there proceed publicly to decide by lot which of  
17 those persons will be declared duly elected, and the official shall  
18 make out and deliver to the person thus duly declared elected a  
19 certificate of election.

20 **Sec. 45.** RCW 29A.64.010 and 2003 c 111 s 1601 are each amended to  
21 read as follows:

22 An officer of a political party or any person for whom votes were  
23 cast in a primary who was not declared (~~nominated~~) qualified to  
24 appear on the general election ballot may file a written application  
25 for a recount of the votes or a portion of the votes cast at that  
26 primary for all persons for whom votes were cast for (~~nomination to~~)  
27 that office.

28 An officer of a political party or any person for whom votes were  
29 cast at any election may file a written application for a recount of  
30 the votes or a portion of the votes cast at that election for all  
31 candidates for election to that office.

32 Any group of five or more registered voters may file a written  
33 application for a recount of the votes or a portion of the votes cast  
34 upon any question or issue. They shall designate one of the members of  
35 the group as chair and shall indicate the voting residence of each  
36 member of the group.

1 An application for a recount of the votes cast for an office or on  
2 a ballot measure must be filed with the officer with whom filings are  
3 made for the jurisdiction.

4 An application for a recount must specify whether the recount will  
5 be done manually or by the vote tally system. A recount done by the  
6 vote tally system must use programming that recounts and reports only  
7 the office or ballot measure in question. The county shall also  
8 provide for a test of the logic and accuracy of that program.

9 An application for a recount must be filed within three business  
10 days after the county canvassing board or secretary of state has  
11 declared the official results of the primary or election for the office  
12 or issue for which the recount is requested.

13 This chapter applies to the recounting of votes cast by paper  
14 ballots and to the recounting of votes recorded on ballots counted by  
15 a vote tally system.

16 **Sec. 46.** RCW 29A.64.020 and 2003 c 111 s 1602 are each amended to  
17 read as follows:

18 (1) If the official canvass of all of the returns for any office at  
19 any primary or election reveals that the difference in the number of  
20 votes cast for a candidate apparently (~~nominated~~) qualified to appear  
21 on the general election ballot or elected to any office and the number  
22 of votes cast for the closest apparently defeated opponent is less than  
23 two thousand votes and also less than one-half of one percent of the  
24 total number of votes cast for both candidates, the county canvassing  
25 board shall conduct a recount of all votes cast on that position.

26 (a) Whenever such a difference occurs in the number of votes cast  
27 for candidates for a position the declaration of candidacy for which  
28 was filed with the secretary of state, the secretary of state shall,  
29 within three business days of the day that the returns of the primary  
30 or election are first certified by the canvassing boards of those  
31 counties, direct those boards to recount all votes cast on the  
32 position.

33 (b) If the difference in the number of votes cast for the apparent  
34 winner and the closest apparently defeated opponent is less than one  
35 hundred fifty votes and also less than one-fourth of one percent of the  
36 total number of votes cast for both candidates, the votes shall be  
37 recounted manually or as provided in subsection (3) of this section.

1 (2) A mandatory recount shall be conducted in the manner provided  
2 by RCW 29A.64.030, 29A.64.040, and 29A.64.060. No cost of a mandatory  
3 recount may be charged to any candidate.

4 (3) The apparent winner and closest apparently defeated opponent  
5 for an office for which a manual recount is required under subsection  
6 (1)(b) of this section may select an alternative method of conducting  
7 the recount. To select such an alternative, the two candidates shall  
8 agree to the alternative in a signed, written statement filed with the  
9 election official for the office. The recount shall be conducted using  
10 the alternative method if: It is suited to the balloting system that  
11 was used for casting the votes for the office; it involves the use of  
12 a vote tallying system that is approved for use in this state by the  
13 secretary of state; and the vote tallying system is readily available  
14 in each county required to conduct the recount. If more than one  
15 balloting system was used in casting votes for the office, an  
16 alternative to a manual recount may be selected for each system.

17 **Sec. 47.** RCW 29A.64.040 and 2003 c 111 s 1604 are each amended to  
18 read as follows:

19 (1) At the time and place established for a recount, the canvassing  
20 board or its duly authorized representatives, in the presence of all  
21 witnesses who may be in attendance, shall open the sealed containers  
22 containing the ballots to be recounted, and shall recount the votes for  
23 the offices or issues for which the recount has been ordered. Ballots  
24 shall be handled only by the members of the canvassing board or their  
25 duly authorized representatives.

26 Witnesses shall be permitted to observe the ballots and the process  
27 of tabulating the votes, but they shall not be permitted to handle the  
28 ballots. The canvassing board shall not permit the tabulation of votes  
29 for any (~~nomination, election,~~) office or issue other than the ones  
30 for which a recount was applied for or required.

31 (2) At any time before the ballots from all of the precincts listed  
32 in the application for the recount have been recounted, the applicant  
33 may file with the board a written request to stop the recount.

34 (3) The recount may be observed by persons representing the  
35 candidates affected by the recount or the persons representing both  
36 sides of an issue that is being recounted. The observers may not make  
37 a record of the names, addresses, or other information on the ballots,

1 poll books, or applications for absentee ballots unless authorized by  
2 the superior court. The secretary of state or county auditor may limit  
3 the number of observers to not less than two on each side if, in his or  
4 her opinion, a greater number would cause undue delay or disruption of  
5 the recount process.

6 **Sec. 48.** RCW 29A.64.060 and 2003 c 111 s 1606 are each amended to  
7 read as follows:

8 Upon completion of the canvass of a recount, the canvassing board  
9 shall prepare and certify an amended abstract showing the votes cast in  
10 each precinct for which the recount was conducted. Copies of the  
11 amended abstracts must be transmitted to the same officers who received  
12 the abstract on which the recount was based.

13 If the ((~~nomination, election,~~)) office or issue for which the  
14 recount was conducted was submitted only to the voters of a county, the  
15 canvassing board shall file the amended abstract with the original  
16 results of that election or primary.

17 If the ((~~nomination, election,~~)) office or issue for which a  
18 recount was conducted was submitted to the voters of more than one  
19 county, the secretary of state shall canvass the amended abstracts and  
20 shall file an amended abstract with the original results of that  
21 election. An amended abstract certified under this section supersedes  
22 any prior abstract of the results for the same offices or issues at the  
23 same primary or election.

24 **Sec. 49.** RCW 29A.64.080 and 2003 c 111 s 1608 are each amended to  
25 read as follows:

26 The canvassing board shall determine the expenses for conducting a  
27 recount of votes.

28 The cost of the recount shall be deducted from the amount deposited  
29 by the applicant for the recount at the time of filing the request for  
30 the recount, and the balance shall be returned to the applicant. If  
31 the costs of the recount exceed the deposit, the applicant shall pay  
32 the difference. No charges may be deducted by the canvassing board  
33 from the deposit for a recount if the recount changes the result of the  
34 ((~~nomination~~)) primary or election for which the recount was ordered.

1           **Sec. 50.** RCW 29A.68.010 and 2003 c 111 s 1701 are each amended to  
2 read as follows:

3           Any justice of the supreme court, judge of the court of appeals, or  
4 judge of the superior court in the proper county shall, by order,  
5 require any person charged with error, wrongful act, or neglect to  
6 forthwith correct the error, desist from the wrongful act, or perform  
7 the duty and to do as the court orders or to show cause forthwith why  
8 the error should not be corrected, the wrongful act desisted from, or  
9 the duty or order not performed, whenever it is made to appear to such  
10 justice or judge by affidavit of an elector that:

11           (1) An error or omission has occurred or is about to occur in  
12 printing the name of any candidate on official ballots; or

13           (2) An error other than as provided in subsections (1) and (3) of  
14 this section has been committed or is about to be committed in printing  
15 the ballots; or

16           (3) The name of any person has been or is about to be wrongfully  
17 placed upon the ballots; or

18           (4) A wrongful act other than as provided for in subsections (1)  
19 and (3) of this section has been performed or is about to be performed  
20 by any election officer; or

21           (5) Any neglect of duty on the part of an election officer other  
22 than as provided for in subsections (1) and (3) of this section has  
23 occurred or is about to occur; or

24           (6) An error or omission has occurred or is about to occur in the  
25 issuance of a certificate of election.

26           An affidavit of an elector under subsections (1) and (3) above when  
27 relating to a primary election must be filed with the appropriate court  
28 no later than the second Friday following the closing of the filing  
29 period (~~for nominations~~) for such office and shall be heard and  
30 finally disposed of by the court not later than five days after the  
31 filing thereof. An affidavit of an elector under subsections (1) and  
32 (3) of this section when relating to a general election must be filed  
33 with the appropriate court no later than three days following the  
34 official certification of the primary election returns and shall be  
35 heard and finally disposed of by the court not later than five days  
36 after the filing thereof. An affidavit of an elector under subsection  
37 (6) of this section shall be filed with the appropriate court no later  
38 than ten days following the issuance of a certificate of election.

1           **Sec. 51.** RCW 29A.84.260 and 2003 c 111 s 2114 are each amended to  
2 read as follows:

3           The following apply to persons signing (~~(nominating)~~) petitions  
4 prescribed by RCW 29A.20.150 and 29A.24.100:

5           (1) A person who signs a petition with any other than his or her  
6 name shall be guilty of a misdemeanor.

7           (2) A person shall be guilty of a misdemeanor if the person  
8 knowingly: Signs more than one petition for any single candidacy of  
9 any single candidate; signs the petition when he or she is not a legal  
10 voter; or makes a false statement as to his or her residence.

11           **Sec. 52.** RCW 29A.84.310 and 2003 c 111 s 2117 are each amended to  
12 read as follows:

13           Every person who:

14           (1) Knowingly provides false information on his or her declaration  
15 of candidacy (~~(of)~~), filing petition (~~(of nomination)~~), or nominating  
16 petition; or

17           (2) Conceals or fraudulently defaces or destroys a certificate that  
18 has been filed with an elections officer under RCW (~~(29A.20.110 through~~  
19 ~~29A.20.200)~~) 29A.20.120 through 29A.20.180 or a declaration of  
20 candidacy or petition of nomination that has been filed with an  
21 elections officer, or any part of such a certificate, declaration, or  
22 petition, is guilty of a class C felony punishable under RCW 9A.20.021.

23           **Sec. 53.** RCW 29A.84.710 and 2003 c 111 s 2137 are each amended to  
24 read as follows:

25           Every person who:

26           (1) Knowingly and falsely issues a certificate of (~~(nomination)~~)  
27 qualification or election; or

28           (2) Knowingly provides false information on a certificate which  
29 must be filed with an elections officer under RCW (~~(29A.20.110 through~~  
30 ~~29A.20.200)~~) 29A.20.120 through 29A.20.180, is guilty of a class C  
31 felony punishable under RCW 9A.20.021.

32           **Sec. 54.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read  
33 as follows:

34           (1) "Agency" includes all state agencies and all local agencies.  
35 "State agency" includes every state office, department, division,

1 bureau, board, commission, or other state agency. "Local agency"  
2 includes every county, city, town, municipal corporation, quasi-  
3 municipal corporation, or special purpose district, or any office,  
4 department, division, bureau, board, commission, or agency thereof, or  
5 other local public agency.

6 (2) "Authorized committee" means the political committee authorized  
7 by a candidate, or by the public official against whom recall charges  
8 have been filed, to accept contributions or make expenditures on behalf  
9 of the candidate or public official.

10 (3) "Ballot proposition" means any "measure" as defined by RCW  
11 (~~((29.01.110))~~) 29A.04.091, or any initiative, recall, or referendum  
12 proposition proposed to be submitted to the voters of the state or any  
13 municipal corporation, political subdivision, or other voting  
14 constituency from and after the time when the proposition has been  
15 initially filed with the appropriate election officer of that  
16 constituency prior to its circulation for signatures.

17 (4) "Benefit" means a commercial, proprietary, financial, economic,  
18 or monetary advantage, or the avoidance of a commercial, proprietary,  
19 financial, economic, or monetary disadvantage.

20 (5) "Bona fide political party" means:

21 (a) An organization that has filed a valid certificate of  
22 nomination with the secretary of state under chapter (~~((29.24))~~) 29A.20  
23 RCW;

24 (b) The governing body of the state organization of a major  
25 political party, as defined in RCW (~~((29.01.090))~~) 29A.04.085, that is  
26 the body authorized by the charter or bylaws of the party to exercise  
27 authority on behalf of the state party; or

28 (c) The county central committee or legislative district committee  
29 of a major political party. There may be only one legislative district  
30 committee for each party in each legislative district.

31 (6) "Depository" means a bank designated by a candidate or  
32 political committee pursuant to RCW 42.17.050.

33 (7) "Treasurer" and "deputy treasurer" mean the individuals  
34 appointed by a candidate or political committee, pursuant to RCW  
35 42.17.050, to perform the duties specified in that section.

36 (8) "Candidate" means any individual who seeks nomination for  
37 election or election to public office. An individual seeks nomination  
38 or election when he or she first:

1 (a) Receives contributions or makes expenditures or reserves space  
2 or facilities with intent to promote his or her candidacy for office;

3 (b) Announces publicly or files for office;

4 (c) Purchases commercial advertising space or broadcast time to  
5 promote his or her candidacy; or

6 (d) Gives his or her consent to another person to take on behalf of  
7 the individual any of the actions in (a) or (c) of this subsection.

8 (9) "Caucus political committee" means a political committee  
9 organized and maintained by the members of a major political party in  
10 the state senate or state house of representatives.

11 (10) "Commercial advertiser" means any person who sells the service  
12 of communicating messages or producing printed material for broadcast  
13 or distribution to the general public or segments of the general public  
14 whether through the use of newspapers, magazines, television and radio  
15 stations, billboard companies, direct mail advertising companies,  
16 printing companies, or otherwise.

17 (11) "Commission" means the agency established under RCW 42.17.350.

18 (12) "Compensation" unless the context requires a narrower meaning,  
19 includes payment in any form for real or personal property or services  
20 of any kind: PROVIDED, That for the purpose of compliance with RCW  
21 42.17.241, the term "compensation" shall not include per diem  
22 allowances or other payments made by a governmental entity to reimburse  
23 a public official for expenses incurred while the official is engaged  
24 in the official business of the governmental entity.

25 (13) "Continuing political committee" means a political committee  
26 that is an organization of continuing existence not established in  
27 anticipation of any particular election campaign.

28 (14)(a) "Contribution" includes:

29 (i) A loan, gift, deposit, subscription, forgiveness of  
30 indebtedness, donation, advance, pledge, payment, transfer of funds  
31 between political committees, or anything of value, including personal  
32 and professional services for less than full consideration;

33 (ii) An expenditure made by a person in cooperation, consultation,  
34 or concert with, or at the request or suggestion of, a candidate, a  
35 political committee, or their agents;

36 (iii) The financing by a person of the dissemination, distribution,  
37 or republication, in whole or in part, of broadcast, written, graphic,

1 or other form of political advertising prepared by a candidate, a  
2 political committee, or its authorized agent;

3 (iv) Sums paid for tickets to fund-raising events such as dinners  
4 and parties, except for the actual cost of the consumables furnished at  
5 the event.

6 (b) "Contribution" does not include:

7 (i) Standard interest on money deposited in a political committee's  
8 account;

9 (ii) Ordinary home hospitality;

10 (iii) A contribution received by a candidate or political committee  
11 that is returned to the contributor within five business days of the  
12 date on which it is received by the candidate or political committee;

13 (iv) A news item, feature, commentary, or editorial in a regularly  
14 scheduled news medium that is of primary interest to the general  
15 public, that is in a news medium controlled by a person whose business  
16 is that news medium, and that is not controlled by a candidate or a  
17 political committee;

18 (v) An internal political communication primarily limited to the  
19 members of or contributors to a political party organization or  
20 political committee, or to the officers, management staff, or  
21 stockholders of a corporation or similar enterprise, or to the members  
22 of a labor organization or other membership organization;

23 (vi) The rendering of personal services of the sort commonly  
24 performed by volunteer campaign workers, or incidental expenses  
25 personally incurred by volunteer campaign workers not in excess of  
26 fifty dollars personally paid for by the worker. "Volunteer services,"  
27 for the purposes of this section, means services or labor for which the  
28 individual is not compensated by any person;

29 (vii) Messages in the form of reader boards, banners, or yard or  
30 window signs displayed on a person's own property or property occupied  
31 by a person. However, a facility used for such political advertising  
32 for which a rental charge is normally made must be reported as an in-  
33 kind contribution and counts towards any applicable contribution limit  
34 of the person providing the facility;

35 (viii) Legal or accounting services rendered to or on behalf of:

36 (A) A political party or caucus political committee if the person  
37 paying for the services is the regular employer of the person rendering  
38 such services; or

1 (B) A candidate or an authorized committee if the person paying for  
2 the services is the regular employer of the individual rendering the  
3 services and if the services are solely for the purpose of ensuring  
4 compliance with state election or public disclosure laws.

5 (c) Contributions other than money or its equivalent are deemed to  
6 have a monetary value equivalent to the fair market value of the  
7 contribution. Services or property or rights furnished at less than  
8 their fair market value for the purpose of assisting any candidate or  
9 political committee are deemed a contribution. Such a contribution  
10 must be reported as an in-kind contribution at its fair market value  
11 and counts towards any applicable contribution limit of the provider.

12 (15) "Elected official" means any person elected at a general or  
13 special election to any public office, and any person appointed to fill  
14 a vacancy in any such office.

15 (16) "Election" includes any primary, general, or special election  
16 for public office and any election in which a ballot proposition is  
17 submitted to the voters: PROVIDED, That an election in which the  
18 qualifications for voting include other than those requirements set  
19 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
20 the state of Washington shall not be considered an election for  
21 purposes of this chapter.

22 (17) "Election campaign" means any campaign in support of or in  
23 opposition to a candidate for election to public office and any  
24 campaign in support of, or in opposition to, a ballot proposition.

25 (18) "Election cycle" means the period beginning on the first day  
26 of December after the date of the last previous general election for  
27 the office that the candidate seeks and ending on November 30th after  
28 the next election for the office. In the case of a special election to  
29 fill a vacancy in an office, "election cycle" means the period  
30 beginning on the day the vacancy occurs and ending on November 30th  
31 after the special election.

32 (19) "Expenditure" includes a payment, contribution, subscription,  
33 distribution, loan, advance, deposit, or gift of money or anything of  
34 value, and includes a contract, promise, or agreement, whether or not  
35 legally enforceable, to make an expenditure. The term "expenditure"  
36 also includes a promise to pay, a payment, or a transfer of anything of  
37 value in exchange for goods, services, property, facilities, or  
38 anything of value for the purpose of assisting, benefiting, or honoring

1 any public official or candidate, or assisting in furthering or  
2 opposing any election campaign. For the purposes of this chapter,  
3 agreements to make expenditures, contracts, and promises to pay may be  
4 reported as estimated obligations until actual payment is made. The  
5 term "expenditure" shall not include the partial or complete repayment  
6 by a candidate or political committee of the principal of a loan, the  
7 receipt of which loan has been properly reported.

8 (20) "Final report" means the report described as a final report in  
9 RCW 42.17.080(2).

10 (21) "General election" for the purposes of RCW 42.17.640 means the  
11 election that results in the election of a person to a state office.  
12 It does not include a primary.

13 (22) "Gift," is as defined in RCW 42.52.010.

14 (23) "Immediate family" includes the spouse, dependent children,  
15 and other dependent relatives, if living in the household. For the  
16 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means  
17 an individual's spouse, and child, stepchild, grandchild, parent,  
18 stepparent, grandparent, brother, half brother, sister, or half sister  
19 of the individual and the spouse of any such person and a child,  
20 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
21 brother, sister, or half sister of the individual's spouse and the  
22 spouse of any such person.

23 (24) "Independent expenditure" means an expenditure that has each  
24 of the following elements:

25 (a) It is made in support of or in opposition to a candidate for  
26 office by a person who is not (i) a candidate for that office, (ii) an  
27 authorized committee of that candidate for that office, (iii) a person  
28 who has received the candidate's encouragement or approval to make the  
29 expenditure, if the expenditure pays in whole or in part for political  
30 advertising supporting that candidate or promoting the defeat of any  
31 other candidate or candidates for that office, or (iv) a person with  
32 whom the candidate has collaborated for the purpose of making the  
33 expenditure, if the expenditure pays in whole or in part for political  
34 advertising supporting that candidate or promoting the defeat of any  
35 other candidate or candidates for that office;

36 (b) The expenditure pays in whole or in part for political  
37 advertising that either specifically names the candidate supported or

1 opposed, or clearly and beyond any doubt identifies the candidate  
2 without using the candidate's name; and

3 (c) The expenditure, alone or in conjunction with another  
4 expenditure or other expenditures of the same person in support of or  
5 opposition to that candidate, has a value of five hundred dollars or  
6 more. A series of expenditures, each of which is under five hundred  
7 dollars, constitutes one independent expenditure if their cumulative  
8 value is five hundred dollars or more.

9 (25)(a) "Intermediary" means an individual who transmits a  
10 contribution to a candidate or committee from another person unless the  
11 contribution is from the individual's employer, immediate family as  
12 defined for purposes of RCW 42.17.640 through 42.17.790, or an  
13 association to which the individual belongs.

14 (b) A treasurer or a candidate is not an intermediary for purposes  
15 of the committee that the treasurer or candidate serves.

16 (c) A professional fund-raiser is not an intermediary if the fund-  
17 raiser is compensated for fund-raising services at the usual and  
18 customary rate.

19 (d) A volunteer hosting a fund-raising event at the individual's  
20 home is not an intermediary for purposes of that event.

21 (26) "Legislation" means bills, resolutions, motions, amendments,  
22 nominations, and other matters pending or proposed in either house of  
23 the state legislature, and includes any other matter that may be the  
24 subject of action by either house or any committee of the legislature  
25 and all bills and resolutions that, having passed both houses, are  
26 pending approval by the governor.

27 (27) "Lobby" and "lobbying" each mean attempting to influence the  
28 passage or defeat of any legislation by the legislature of the state of  
29 Washington, or the adoption or rejection of any rule, standard, rate,  
30 or other legislative enactment of any state agency under the state  
31 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
32 "lobbying" includes an association's or other organization's act of  
33 communicating with the members of that association or organization.

34 (28) "Lobbyist" includes any person who lobbies either in his or  
35 her own or another's behalf.

36 (29) "Lobbyist's employer" means the person or persons by whom a  
37 lobbyist is employed and all persons by whom he or she is compensated  
38 for acting as a lobbyist.

1 (30) "Person" includes an individual, partnership, joint venture,  
2 public or private corporation, association, federal, state, or local  
3 governmental entity or agency however constituted, candidate,  
4 committee, political committee, political party, executive committee  
5 thereof, or any other organization or group of persons, however  
6 organized.

7 (31) "Person in interest" means the person who is the subject of a  
8 record or any representative designated by that person, except that if  
9 that person is under a legal disability, the term "person in interest"  
10 means and includes the parent or duly appointed legal representative.

11 (32) "Political advertising" includes any advertising displays,  
12 newspaper ads, billboards, signs, brochures, articles, tabloids,  
13 flyers, letters, radio or television presentations, or other means of  
14 mass communication, used for the purpose of appealing, directly or  
15 indirectly, for votes or for financial or other support in any election  
16 campaign.

17 (33) "Political committee" means any person (except a candidate or  
18 an individual dealing with his or her own funds or property) having the  
19 expectation of receiving contributions or making expenditures in  
20 support of, or opposition to, any candidate or any ballot proposition.

21 (34) "Primary" for the purposes of RCW 42.17.640 means the  
22 procedure for ~~((nominating))~~ qualifying a candidate to state office  
23 under chapter ~~((29.18 or 29.21 RCW or any other primary for an election  
24 that uses, in large measure, the procedures established in chapter  
25 29.18 or 29.21))~~ 29A.52 RCW.

26 (35) "Public office" means any federal, state, county, city, town,  
27 school district, port district, special district, or other state  
28 political subdivision elective office.

29 (36) "Public record" includes any writing containing information  
30 relating to the conduct of government or the performance of any  
31 governmental or proprietary function prepared, owned, used, or retained  
32 by any state or local agency regardless of physical form or  
33 characteristics. For the office of the secretary of the senate and the  
34 office of the chief clerk of the house of representatives, public  
35 records means legislative records as defined in RCW 40.14.100 and also  
36 means the following: All budget and financial records; personnel  
37 leave, travel, and payroll records; records of legislative sessions;

1 reports submitted to the legislature; and any other record designated  
2 a public record by any official action of the senate or the house of  
3 representatives.

4 (37) "Recall campaign" means the period of time beginning on the  
5 date of the filing of recall charges under RCW (~~(29.82.015)~~) 29A.56.120  
6 and ending thirty days after the recall election.

7 (38) "State legislative office" means the office of a member of the  
8 state house of representatives or the office of a member of the state  
9 senate.

10 (39) "State office" means state legislative office or the office of  
11 governor, lieutenant governor, secretary of state, attorney general,  
12 commissioner of public lands, insurance commissioner, superintendent of  
13 public instruction, state auditor, or state treasurer.

14 (40) "State official" means a person who holds a state office.

15 (41) "Surplus funds" mean, in the case of a political committee or  
16 candidate, the balance of contributions that remain in the possession  
17 or control of that committee or candidate subsequent to the election  
18 for which the contributions were received, and that are in excess of  
19 the amount necessary to pay remaining debts incurred by the committee  
20 or candidate prior to that election. In the case of a continuing  
21 political committee, "surplus funds" mean those contributions remaining  
22 in the possession or control of the committee that are in excess of the  
23 amount necessary to pay all remaining debts when it makes its final  
24 report under RCW 42.17.065.

25 (42) "Writing" means handwriting, typewriting, printing,  
26 photostating, photographing, and every other means of recording any  
27 form of communication or representation, including, but not limited to,  
28 letters, words, pictures, sounds, or symbols, or combination thereof,  
29 and all papers, maps, magnetic or paper tapes, photographic films and  
30 prints, motion picture, film and video recordings, magnetic or punched  
31 cards, discs, drums, diskettes, sound recordings, and other documents  
32 including existing data compilations from which information may be  
33 obtained or translated.

34 As used in this chapter, the singular shall take the plural and any  
35 gender, the other, as the context requires.

36 NEW SECTION. **Sec. 55.** (1) The subheadings in chapter 29A.52 RCW

1 "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under  
2 one subheading "PRIMARIES."

3 (2) The subheading in chapter 29A.20 RCW "MINOR PARTY AND  
4 INDEPENDENT CANDIDATE NOMINATIONS" will be changed to "MINOR AND  
5 INDEPENDENT PRESIDENTIAL CANDIDATES."

6 (3) The code reviser shall recaption RCW 29A.24.100 as "Filing  
7 petition--Form."

8 (4) The code reviser shall recaption RCW 29A.36.170 as "Candidates  
9 qualified for the general election."

10 (5) The code reviser shall recaption RCW 29A.52.320 as  
11 "Certification of candidates qualified to appear on the general  
12 election ballot."

13 (6) The code reviser shall recaption RCW 29A.84.310 as "Candidacy  
14 declarations, filing petitions, nominating petitions."

15 (7) The code reviser shall recaption RCW 29A.84.710 as "Documents  
16 regarding qualification, election, candidacy--Frauds and falsehoods."

17 NEW SECTION. **Sec. 56.** The following acts or parts of acts are  
18 each repealed:

19 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;

20 (2) RCW 29A.20.110 (Definitions--"Convention" and "election  
21 jurisdiction") and 2003 c 111 s 505, 1977 ex.s. c 329 s 1, & 1965 c 9  
22 s 29.24.010;

23 (3) RCW 29A.20.130 (Convention--Notice) and 2003 c 111 s 507;

24 (4) RCW 29A.20.200 (Declarations of candidacy required,  
25 exceptions--Payment of fees) and 2003 c 111 s 514, 1990 c 59 s 103,  
26 1989 c 215 s 8, 1977 ex.s. c 329 s 7, & 1965 c 9 s 29.24.070;

27 (5) RCW 29A.24.200 (Lapse of election when no filing for single  
28 positions--Effect) and 2003 c 111 s 620;

29 (6) RCW 29A.24.210 (Vacancy in partisan elective office--Special  
30 filing period) and 2003 c 111 s 621;

31 (7) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990  
32 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

33 (8) RCW 29A.28.020 (Death or disqualification--Correcting ballots--  
34 Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, &  
35 1977 ex.s. c 329 s 13;

36 (9) RCW 29A.36.190 (Partisan candidates qualified for general  
37 election) and 2003 c 111 s 919;

1 (10) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s  
2 1304; and

3 (11) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s  
4 2405.

5 NEW SECTION. **Sec. 57.** If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 58.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 immediately.

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